

NOV 20 1996

DEPT. OF INSURANCE  
BY Kath

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:

) Docket No. 96A-104-INS  
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THOMAS W. BOWER,

) **ORDER**  
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Petitioner.  

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On October 24, 1996, the Office of Administrative Hearings, through Administrative Law Judge Lewis D. Kowal, submitted "Recommended Order Granting Reconsideration of Director's Order" (the "Recommended Reconsideration Order"), a copy of which is attached and incorporated by this reference. The Director of Arizona Department of Insurance (the "Director") has reviewed these the Recommended Reconsideration Order, and enters the following order:

1. Petitioner has not raised sufficient grounds to set aside the findings of fact entered by the Director in this matter, including those proposed by the Administrative Law Judge and adopted by the Director. The substitute findings of fact entered by the Director are fully supported by the record and shall not be vacated. The decision entered by the Director was based exclusively upon the record, including findings made by the Administrative Law Judge who presided at the hearing of this matter.

2. The Order shall be amended with the following language to correctly state the denial of both the property and casualty and life and disability insurance license applications submitted by the Respondent:

1 Therefore it is ordered denying the application for a property and casualty  
2 insurance agent license and the application for a life and disability  
3 insurance agent license submitted to the Department by Thomas Bower on  
4 December 5, 1995.

5 NOTIFICATION OF RIGHTS

6 The final decision of the Director may be appealed to the Superior Court of Maricopa County for  
7 judicial review pursuant to A.R.S. § 20-166.

8 EFFECTIVE this 20<sup>th</sup> day of November, 1996

9  
10   
11 John King  
12 Director of Insurance

13 A copy of the foregoing mailed  
14 this 20<sup>th</sup> day of November, 1996

15 Charles R. Cohen, Deputy Director  
16 Catherine O'Neil, Assistant Director  
17 John Gagne, Assistant Director  
18 Maureen Catalioto, Supervisor  
19 Department of Insurance  
20 2910 North 44th Street, Suite 210  
21 Phoenix, AZ 85018

22 Office of Administrative Hearings  
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2 3101 North Central, #432

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3 Thomas W. Bower

4 6830 W. Emily Bola Avenue

Peoria, AZ 85381

5 Thomas W. Bower

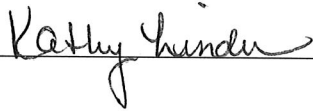
6 4220 W. Northern Avenue, #105

Phoenix, AZ 85051

7 State Farm Insurance Company of Arizona

8 18444 North 25th Avenue

Phoenix, AZ 85023

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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF ARIZONA  
RECEIVED

OCT 24 1996

In the Matter of

No. 96A-104-INS

**THOMAS W. BOWER,**

**RECOMMENDED ORDER GRANTING  
RECONSIDERATION OF DIRECTOR'S  
ORDER**

Petitioner.

D. INSURANCE DEPT.

On October 1, 1996, Thomas W. Bower ("Petitioner") filed a Motion for Rehearing and/or Reconsideration (the "Motion") in the above-entitled matter. On October 21, 1996, the Arizona Department of Insurance (the "Department") filed a Response to Request for Rehearing (the "Response").

The Administrative Law Judge has reviewed the Motion and Response and again reviewed the record of this matter and has determined that the Petitioner has raised sufficient grounds to support a reconsideration of this matter by the Director of the Department. The Administrative Law Judge concurs with the Petitioner that: a) the Director added facts which are contrary to the record; b) the Director's Order based the denial of the license application on matters not brought before the Administrative Law Judge; and c) the Director's Order failed to address Petitioner's life and disability license application which, on consent of the parties, was included in the hearing.

Based on the above, the Administrative Law Judge recommends that the Director's added Findings of Fact, Conclusions of Law other than those found by the Administrative Law Judge and Order be vacated and that the Administrative Law Judge's Conclusion of Law paragraph 5 and Recommended Decision be adopted by the Director. Accordingly, it is recommended that the Petitioner's Motion for

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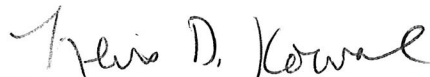
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Office of Administrative Hearings  
1700 West Washington, Suite 602  
Phoenix, Arizona 85007  
(602) 542-9826

1 Reconsideration be granted and that the Director grant Mr. Bower's applications for a  
2 property and casualty and life and disability insurance agent licenses.

3 Done this day October 24, 1996.

4  
5 

6 LEWIS D. KOWAL

7 Administrative Law Judge  
8

9 Original transmitted by mail this

10 24 day of October, 1996, to:

11 John King, Director  
12 ATTN: Curvey Burton  
13 Department of Insurance  
14 2910 North 44th Street, #210  
15 Phoenix, AZ 85018-7256

16  
17 By 